United Nations CCPR/C/RWA/CO/4/Add.1

International Covenant on Civil and Political Rights

Distr.: General
23 May 2018

English only

Human Rights Committee

Concluding observations on the fourth periodic report of Rwanda

Addendum

Information received from Rwanda on follow-up to the concluding observations*

[Date received: 8 May 2018]

* The present document is being issued without formal editing.

GE.18-08254(E)
1808254

Please recycle

I. Violence against women and children (para. 16)

1. According to the new Penal Code passed by the Parliament but not yet published, the penalties of the crime of rape are the same for all perpetrators of that crime, without distinction.

2. With regards to the punishment of a victim of GBV who does not testify the violence committed against her/him, this provision was repealed by the Penal Code of 2012. Article 765 of the penal code repeals all provisions contrary to it; therefore, article 36 of Law No. 59/2008 on the prevention and punishment of gender-based violence was implicitly repealed.

3. The Government of Rwanda is committed to combat GBV and all related practices. Cases of sexual violence are thoroughly investigated, prosecuted and, if convicted, punished with appropriate sanctions.

4. The statistics show us a high number of gender based violence cases that were investigated by the Rwanda National Police. During the financial year 2016-2017, the National Public Prosecution Authority (NPPA) received a total number of 3,130 of GBV cases from the judicial police distributed into 3 categories as follows: 2,086 child defilements, 308 cases of rape, 736 cases of spouse harassment. Among those received cases 1932 were filed to courts divided as follows: 1,285 cases of child defilement, 130 of rape and 717 of spouse harassment. Among the cases filed to Courts, a number of 1488 perpetrators were found guilty of child defilement, rape and spouse harassment (1,109 of Child defilement, 64 of Rape and 315 of spouse harassment).

5. With regards to compensation, GBV victims are compensated through civil action filed to courts free of charge with assistance or representation by legal counsel assigned by the Rwanda Bar Association in partnership with the GoR.

6. The Government of Rwanda is committed to protect GBV victims against stigma from the rest of the community or from any other psychological problem that may affect the victim. It is within this framework that some laws and orders have been put in place to provide protection measures for the victims of GBV. This includes the law No. 59/2008 on the prevention and punishment of gender-based violence, the law on criminal procedure, the Prime Minister's order N°001/03 of 11/01/2012 determining modalities in which government institutions prevent and respond to gender-based as well as the Ministerial Order N°002/08.11 of 11/02/2014 on court fees in civil, commercial, social and administrative matters. Additionally, the Government has adopted different policies and programs to ensure the safety of GBV victims such as the Isange One Stop Centers which are operational countrywide. Furthermore, the Rwanda Investigation Bureau was established with the mission to ensure the security of victims and witnesses among others. The Gender Monitoring Office monitors the quality of services offered to GBV victims and the effectiveness of GBV prevention and response mechanisms.

7. With regard to the number of Isange One Stop Center, currently 44 Isange One Stop Centers are operational in all District hospitals. The centres were increased from 7 in 2013 to 44 in 2017. They provide holistic 24-hour response to victims and survivors of GBV including safe shelter, medical, psychosocial counselling and medical-legal aid to the victims of GBV and Human Trafficking under one roof, so as to avoid re-victimization and the risk of spoiled evidence.

II. Unlawful detention and allegations of torture and ill-treatment (para. 20)

8. The law on criminal procedures is currently under review before parliament.

9. There are no unofficial places of detention in Rwanda as all of them are run in accordance with United Nations standards and are governed and regulated by relevant laws. All persons detained are provided with all legal safeguards. A judicial police officer informs the suspect prior about the charges against him/her. These rights have to be

mentioned in the statement signed by both the judicial police Officer and the suspect.[1] These measures apply in all places of detention.

10. All allegations of torture, unlawful detention and ill treatment are promptly investigated and prosecuted. In the year 2015-2016, 6 cases of torture were investigated and prosecuted: 3 persons were convicted and punished. For the year 2016-2017, 5 cases were prosecuted and 3 persons were convicted and punished.

11. Like other victims, those of unlawful, torture and ill-treatment are also compensated for injuries caused through a civil action procedure. References are the cases number No RC0009/08/TGI/RSZ, RP 00156/13/TGI/GSBO, RP 0124/15/TGI/NGOMA.

III. Prison conditions (para. 32)

12. Since the last reporting period, a new prison in Mageragere was constructed to solve the issue of overcrowding in prisons. Moreover, the prisons of Rubavu, Huye and Rwamagana were renovated to meet the international standards. Efforts were also made to separate women and children from other inmates.

13. The Government of Rwanda maintains a policy of rehabilitation rather than incarceration. It is within this framework that the National Rehabilitation Service was established to eradicate all forms of deviant behaviours by instilling positive behaviours, educating and providing professional skills.

14. People detained in police and military detention centers, have an appropriate place to sleep access to water, provision of food to every detainee in custody and facilitate those who are recommended a special diet by doctor, as well as the provision of health care to them. In addition to that, the Prosecution and National Commission for Human Right conduct regular visits to check whether the rights of detainees are respected.

15. Efforts have also been made to separate detainees in pre-trial detention from those serving sentences. Although housed in the same prison facilities, every effort is made to ensure that there is no interaction between the two groups who are housed in separate blocs. In addition, the different sets of detainees wear different uniform colours for easy distinction.

IV. Freedom of expression (para. 40)

16. Freedom of press and freedom of expression are fundamental rights for the citizens recognized and guaranteed by the State. However, those rights are exceptionally limited by public order, good morals, the protection of the youth and children, the right of every citizen to honour and dignity and protection of personal and family privacy.[2]

17. The new penal code was passed and defamation and related offences were decriminalized.

---

[1] Article 38 of the law n° 30/2013 of 24/5/2013 relating to the code of criminal procedure.

[2] Art. 38 of the Constitution of the Republic of Rwanda of 2003 revised in 2015.